IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 14863 of 1993

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Between:

V.Selvaraj, s/o.M.Venugopal,
JMG Scale I Officer,Indian Overseas Bank, Zonal Office,Hyderabad,
R/o. Hyderabad.

..... PETITIONER

AND

-

1 The Deputy General Manager (Disciplinary Authority)
Indian Overseas Bank, Central Office, P.B.No.3765,762,Anns salai,
Madras-600 002.
2 The General Manager, (Appellate Authority)
Indian Overseas Bank, Central Office,762 Annsalai,
Madras-600 002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of certiorari and after calling for records relating to the orders in Ex.A.3 and A.4 of respondents 1 & 2 respectively i.e., order in DO:DGM(DJA) dt.19.3.91 of 1st respondent and D.O.GM(KB) B5 dt.23.8.91 of the 2nd respondent ,quash the same and pass.

Counsel for the Petitioner : MR.K.NARASIMHAM

Counsel for the Respondents : SMT.K.ANNAPURNA REDDY

The Court made the following :

O R D E R :

This Writ Petition is filed challenging the order of punishment of withholding of two increments with cumulative effect passed by the first respondent, dated 19.3.1991 in DO:DGM (DJA) as confirmed by the second respondent-appellate authority, dated 23.8.1991 in D.O.GM (KB) B5.

2. The petitioner was working as Junior Management Grade Scale-I Officer in Indian Overseas Bank, Zonal Office, Hyderabad. While so, a charge sheet was issued against the petitioner on 11.7.1990 alleging certain mis-conducts. The petitioner submitted his explanation denying the charges levelled against him. However, no enquiry was conducted against the petitioner. But, the authorities passed an order on 19.3.1991 imposing the punishment of deferment of two increments with cumulative effect. This order came to be challenged in appeal before the Appellate Authority. Even the Appellate Authority also dismissed the appeal by order dated 23.8.1991. Aggrieved by this order of punishment, this writ petition is filed.

3. Learned counsel for the petitioner submits that imposition of penalty of deferment of two increments with cumulative effect is a major punishment as held by the Supreme Court in KULWANT SINGH GILL v. THE STATE OF PUNJAB[1] and therefore in the instant case without conducting an enquiry, major punishment was awarded and therefore the order of punishment is liable to be set aside.

4. I have heard the learned counsel for the respondents.
Inasmuch as, the judgment of the Supreme Court is dated 13.9.1990 and the order of punishment, dated 19.3.1991 is subsequent to the date of judgment of the Supreme Court. Therefore, I find that the matter has to be reconsidered by the Appellate Authority in view of the judgment of the Supreme Court referred to above.

5. Under those circumstances, the Writ Petition is disposed of directing the second respondent to consider the appeal filed by the petitioner with reference

to the judgment of the Supreme Court referred to above and pass appropriate orders within a period of two months from the date of receipt of copy of this order. It is also desirable that the second respondent shall give an opportunity to the petitioner to put-forth his contentions, if any, on this aspect.

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G. BIKSHAPATHY, J

Dated:02-09-2004

Ccm

To

1 The Deputy General Manager (Disciplinary Authority)
Indian Overseas Bank, Central Office, P.B.No.3765,762,Anns salai,
Madras-600 002.
2 The General Manager, (Appellate Authority)
Indian Overseas Bank, Central Office,762 Annsalai,
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